AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON TUESDAY, DECEMBER 1, 2015, IN THE BOARD ROOM OF THE HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

Present: Elizabeth B. Hurd, Pinetop District
Wayne H. Jessie, Sr., Jamaica District
Robert L. LeBoeuf, Hartfield District
Peter W. Mansfield, Saluda District
John D. Miller, Jr., Harmony Village District

Matthew L. Walker, County Administrator
Marcia Jones, Assistant County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman, Mrs. Hurd, called the meeting to order at 3:00 p.m. Mr. Jessie led in the prayer and Mr. Walker led in the Pledge of Allegiance. Mr. Mansfield was not present for the first portion of the meeting, but was in attendance for the evening session.

CONSENT AGENDA

The following additions/changes were made to the Agenda: Larry Chowning would be representing the Town of Urbanna during the Museum presentation; County Attorney Items would move to Item F under Agency and Staff Reports; upcoming meetings and worksessions - a work session on the proposed radio system is scheduled for 10:00 a.m. on January 5, followed by the Annual Meeting that will begin at 3:00 p.m. One minor change was made to the minutes of the November 4 meeting. The motion to approve the Consent Agenda as amended was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The Consent Agenda included approval of minutes as amended from the Board meeting on November 4, 2015; disbursements dated November 15, numbers 82197-82198 totaling $958.47; dated November 16, number 82199 for $52.32; dated November 16, numbers 82048-82196 totaling $109,319.36; dated November 18, numbers 82200-82280 for $3,210.00 and dated December 1, numbers 82281-82346 for $131,283.93; and payroll checks dated November 16, numbers 81534-81590, totaling $363,449.94 and dated November 13, numbers 82003-82047 totaling $24,018.51.

PUBLIC COMMENT

James Mackey, representing the Middlesex County Business Coalition was present and offered some additional information following the last meeting and the Board retreat. More boats have left local marinas since those meetings and a recent article in the newspaper reported that marinas in adjacent counties are at capacity, including a marina that had been on the verge of closing. Representatives from Port
Supply and West Marine have reported that both retail and wholesale sales are down and seasonal employment has been reduced. Mr. Mackey offered whatever assistance necessary to seek relief from the boat tax.

Harold Muller commented that he wanted the Board's assurance that any potential loss of revenue due to changing the boat tax structure would not be made up by property owners. The Board was encouraged to review and study statistical data before any decision was made. Mr. Muller also commented that after the Board declined to enact a lodging tax several years ago, the person who complained the most about his customers paying additional rates for taxes, raised his rates anyway.

Trudy Feigum, representing the Middlesex County Republican Committee, requested the Board consider adopting the following resolution. Mrs. Feigum requested that if adopted the resolution be transmitted to the General Assembly and added that the Virginia Association of Counties and Gloucester County have made this a legislative priority.

The Middlesex County Republican Committee respectfully requests your consideration and adoption of the following resolution as a 2016 Legislative Priority for the Middlesex County Board of Supervisors. By doing so, Middlesex County will join other Virginia cities and counties which are considering or have adopted similar resolutions.

WHEREAS, refugees from Syria are being invited to seek asylum in the United States by President Barack Obama and Virginia Governor Terry McAuliffe; and

WHEREAS, the citizens of the Commonwealth of Virginia have been given no vote in this matter and may suffer financial, personal health and safety consequences and endangerment as a result of Syrian refugee resettlement;

WHEREAS, Syrian refugees may not be entering the United States due to conditions of war resulting from religious persecution, lack of personal safety, or political oppression, but for purposes of endangering the lives of citizens in the United States; and

WHEREAS, validation by the United States government of refugees’ credentials may not be possible or required;

THEREFORE BE IT RESOLVED, the Board of Supervisors of Middlesex County supports legislation that will place an immediate prohibition on all federal and state government officers and agencies from aiding Syrian refugees to resettle in the United States and the Commonwealth of Virginia for a period of at least two years; and be it further

RESOLVED, that the Commonwealth of Virginia is required to notify Middlesex County government of any impending refugee settlement within its borders; and be it further

RESOLVED, this resolution by the board of supervisors of Middlesex County is herewith transmitted to our legislative and congressional representatives this date, December 1, 2015.

Monica Sanders supported adoption of the resolution.

CONSTITUTIONAL OFFICERS

There were no Constitutional Officers present.
AGENCY AND STAFF REPORTS

Virginia Department of Transportation:

Joyce McGowan, Resident Administrator, gave an update on maintenance and paving projects. Mr. Walker noted that he would be meeting with VDOT representatives regarding the entrance to the proposed brush facility.

Schools:

Dr. Taylor was present to represent the School System. Dr. Taylor noted that the FY 16 budget is based on an average daily membership of 1185. The current average daily membership is at 1181, which if it holds, could result in a reduction in state funding. Dr. Taylor added that the School System has saved money in energy and fuel costs and will probably come in the Spring to request a budget transfer to operations.

Economic Development and Tourism:

Michelle Brown updated the Board on plans for the Christmas Bazaar and Christmas Cookie Contest to be held at the Freeshade Community Center on December 12. Mrs. Brown also added that she and the County Administrator were working a policy for Rules of Use for the Center.

Board members were invited to a tour of Dockside Health and Rehabilitation Center, formerly Mizpah, in Locust Hill. The facility is undergoing a renovation and expansion by 30 beds, and will be hiring an additional 30 people.

Workforce Investment Board:

Louis Belcher, representing the Board of Supervisors on the Workforce Investment Board, informed the Board that the Virginia Employment Commission (VEC) office in Warsaw would be closing on February 28, 2016. Mr. Belcher noted the burden being forced on those least able to afford to drive for face to face contact with employment representatives. Some services of the Workforce Investment Board may be able to move to the Job Assistance Center at Rappahannock Community College (RCC) and the VEC may also be able to offer some services on a limited basis from this location. Board members agreed that a letter should be written in opposition of the VEC closure and in support of moving services to RCC.

Museums of Middlesex:

Bill Powell, Marilyn South and Larry Chowning, representing the Deltaville Maritime Museum, Middlesex Historical Society and the Town of Urbanna, respectively, were present to update the Board on several projects. Mr. Powell noted that the museums had received a $5,000 grant that was matched by $5,000 from the County's Economic Development Authority to create an interlinked website and brochures to be placed at interstate tourist sites. Mrs. South and Mr. Chowning both commented on the
number of historical documents that are stored in the museum and in the record room of the courthouse. Mr. Chowning suggested the creation of a master index and website access with fees to access the documents.

**ACTION ITEMS**

**Lease with Bay Aging:**

The motion to renew the lease agreement for renting space at the Puller Center to Bay Aging for the Senior Center was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The lease will expire June 30, 2016.

**Lease with Deltaville Maritime Museum:**

Mr. Walker and Mr. LeBoeuf, who is also a member of the Museum Board, presented proposed revisions to the County’s lease with the Deltaville Maritime Museum. Major changes include removing the Deltaville Civic Association as a party to the agreement, as the Museum is now its own 501-C-3 entity, and also includes language to allow alcohol on site. Setbacks for the nature pathways are included as well as language to require that all uses follow County codes, not just those relating to lighting. Language has also been added to allow for a Supervisors’ representative to provide input and be a non-voting member at Museum meetings; Board members have always been invited, but this formalizes the relationship. The term for the initial long-term lease, approved in 2010, was for 25 years, with conditions for renewal for another 25 years. The proposed lease has an initial term of 20 years, and indicates renewal for 25 years.

The motion to approve the revisions and enter a lease agreement with the Deltaville Maritime Museum for use of the Holly Point property was made by Mr. Miller, seconded by Mr. LeBoeuf and carried unanimously.

**Airport Committee:**

James Snider, Chairman of the Airport Committee, presented changes to the by-laws that have been recommended by the Committee. Proposed changes include formally changing the meeting time from 7:30 p.m. to 7:00 p.m. of odd numbered months, reducing the number of members from 11 to 7, and making membership all at-large, while trying to maintain county-wide representation. It was noted that representation is now at 8, if Monica Sander’s position is not filled, and those of two other members that are currently living outside of the county are not filled. It was agreed that the number of members could remain at 8 until one of the current members resigns. The motion to approve the changes in the by-laws was made by Mr. LeBoeuf, seconded by Mr. Miller and carried unanimously.

**County Attorney Item:**

According to Mr. Soberick, a recent title search discovered that a 1989 subdivision plat had been recorded in the Clerk’s Office in June 2015 without approval
of the Subdivision Agent, making it an illegal subdivision. Mr. Soberick requested authorization for David Kretz, the Subdivision Agent, to sign a document vacating the recorded plat. The owners will have to file a new application for subdivision. The motion authorizing Mr. Kretz to sign the documentation to vacate the plat was made by Mr. LeBoeuf, seconded by Mr. Miller and carried unanimously.

**Middle Peninsula-Chesapeake Bay Public Access Authority:**

The Board reviewed the draft Memorandum of Understanding between the County and the MP-CBPAA along with the survey instrument that has been prepared to assist with the ranking of public access sites in the County. Mr. Walker noted that a list of sites to be studied as part of the agreement will be established; those that have no prospect for development into an access point will not be considered. Mr. LeBoeuf requested that a complete list be established, with Mr. Walker and Mr. Lawrence from the Public Access Authority making initial cuts. Students from Virginia Commonwealth University will be assisting in the survey and ranking process.

**Appropriations:**

The motion to approve the following appropriations was made by Mr. Jessie, seconded by Mr. LeBoeuf and carried unanimously:

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**County Government Day and Rural Caucus:**

Board members were reminded of two events sponsored by the Virginia Association of Counties as a way to discuss issues with legislative representatives.

Mr. Miller announced that he would be serving as the Director of VACo's Region 2 again.

**Jackson Creek Dredging:**

Mr. Walker informed the Board that he had been contacted regarding dredging a portion of Jackson Creek that was not part of the emergency dredge in 2012. Apparently the channel has narrowed from 60 feet to 30 feet with a depth of only 3 feet. Some initial contact has been made with the Port Authority and marinas to see if there are other funding options available. Mr. Walker will give an update in January.
COUNTY ADMINISTRATOR’S REPORT

Mr. Walker reported that he is working on the details of a contract with William Hayden, the one contractor that put in a bid for removing the dredged material.

The new owners of Dockside, the former Mizpah facility, have invited the Board to tour their facility in January and will also be looking for the Board's support in their expansion.

Budget Calendar:

Mr. LeBoeuf requested that budget requests be presented to the Board of Supervisors prior to their meeting on February 2. The motion to adopt the proposed budget calendar as amended was made by Mr. LeBoeuf, seconded by Mr. Miller and carried unanimously. Dr. Taylor has requested that representatives of both the School Board and Board of Supervisors have a preliminary budget meeting on December 12. Mr. LeBoeuf and Mr. Miller will represent the Board of Supervisors.

Cooks Corner Office Complex Meeting Room Policy:

Mr. Walker reviewed proposed changes to the Cooks Corner Office Complex Meeting Room Policy, which would remove public use from the building. Only governmental agencies would be allowed to use the meeting room; all other groups would be offered the Freeshade Community Center. This change is being made due to increased need for agency use of the meeting room and difficulty in coordinating cleaning around use of the room. A policy for use of the Freeshade facility is not complete. The Board requested that the gravel parking area at Freeshade be better designated. Changes to the CCOC meeting Room policy were approved by motion of Mr. Miller, seconded by Mr. LeBoeuf and carried unanimously.

OLD/NEW BUSINESS

Resolution:

Mr. LeBoeuf made a motion, seconded by Mr. Miller, to adopt the resolution proposed by Mrs. Feigum on behalf of the Republic Committee. The vote that followed was a tie, with Mr. LeBoeuf and Mr. Miller voting in favor and Mrs. Hurd and Mr. Jessie opposed.

SUPERVISORS COMMENTS and REPORTS

Mr. Jessie commented that stormwater management was the main discussion at the Planning District Commission. The Oyster Festival had a record breaking crowd for Friday attendance.

Mr. Miller reported his disappointment with the Rappahannock River Basin Commission that did not appear to be in support of the rural counties’ desire to continue with opting out of the State’s stormwater management program. It was noted...
that 45 of 54 rural counties sent supporting resolutions in favor of opting out and the attorney for the legislature was in attendance at the Stakeholders Advisory Group meeting.

Mr. LeBoeuf noted that he had attended his first Virginia Association of Counties annual conference and was impressed by the amount of work done at the conference and how important this group is to localities.

RECESS AND RECONVENE

The Board recessed the meeting and reconvened at 7:00 p.m. for the evening session. The full Board was present.

PUBLIC HEARINGS

**Ordinance Amendment 2015-06**

Wally Horton, Planning Director, presented an application for approval of an ordinance amendment that would allow for accessory dwelling units by right in the Low Density Rural, Village Community and Residential zoning districts, subject to Article 15-22 of the Middlesex County Zoning Ordinance. Mr. Horton noted that the Planning Commission initiated the amendment because this use was routinely applied for and approved, making the use more normal rather than an exception.

Mrs. Hurd opened the hearing for comments from the public. There being no comments, the hearing was closed. The motion to approve the application was made by Mr. LeBoeuf, seconded by Mr. Miller and carried unanimously.

**Rezoning 2015-01**

Mr. Horton present a request to amend Proffer #3 related to building uses and size that were approved as part of Rezoning Application 2009-003, which included two tax map parcels - Tax Map 28-153 (5.8 acres) and 28-153D (3.39 acres). The current approved proffer is as follows: Building Size: 60’ x 100’ is estimated a piece. Two metal, no maintenance buildings shall be erected with over hanging roof and front porch and windows. The existing block building will house the existing Napa Auto Parts Store, the other two buildings will be for the Auto Service/Service building and the Show Room/Museum.

The language for this proffer is requested to change to the following: Building Size: 64’ x 64’ Pole Building for Wood Sales and up to a 60’ x 100’ building for Car Sales Office/Show Room/Museum. These buildings shall be erected with overhanging roof, windows and a front porch. The existing building will be utilized for a Showroom for lumber and for private offices.

Mr. Horton noted that the Applicant understands that the following conditions will apply to this application:
1. A major site plan for the building of the proposed 64’ x 64’ wood sales building will require a major site plan to be submitted and approved;

2. As part of the site plan, Health Department and Virginia Department of Transportation issues will need to be addressed.

3. The combining of the two properties will be necessary so as to combine the car and lumber sales use on one lot.

The Planning Commission unanimously recommended approval of this Proffer Amendment. Mrs. Hurd opened the hearing for comments from the public. There being no comments, the public portion was closed. The motion to approve the amended proffer was made by Mr. LeBoeuf, seconded by Mr. Mansfield and carried unanimously.

OLD/NEW BUSINESS continued

Potomac Aquifer Replenishment/Wastewater Recycling

Mr. Mansfield reviewed the Department of Environmental Quality's proposal to reduce the limit of permitted withdrawals, which overall only reduces the current withdrawals by 1 million gallons per day.

Regarding nutrient reduction, Joan Salvati, Local Program Manager with DEQ, has suggested that the amount of phosphorus going into the Chesapeake Bay could be reduced by 118,000 pounds, at a cost $214,600,000 to implement a stormwater management plan. Mr. Mansfield suggested that the best way to reduce nutrients is to address the issue with wastewater treatment plants, which the Hampton Roads Sanitation District (HRSD) has estimated would cost less than a third of that cost. The HRSD proposal was presented at a meeting in October and again at the Board retreat on December 14. Mr. Mansfield has suggested that the County cannot wait until 2018 for DEQ to implement their plan for nutrient reduction when HRSD's plan does so much more, including aquifer replenishment, reducing land subsidence and total nutrient reduction. Mr. Mansfield requested a letter be sent from the Board to DEQ that requests their continued study and assistance with HRSD's proposal. Mr. Walker noted that HRSD is the regional body that has been needed to spearhead Mr. Mansfield's efforts concerning the Potomac Aquifer and that HRSD has been using DEQ's own data to support their claims. The Board had no objection to Mr. Walker drafting a letter.

Mrs. Hurd

Mr. Miller and fellow Board members expressed thanks for Mrs. Hurd's service on the Board and committees on which she served as a Board representative.
Appointments

The motion to reappoint Chris Jones and Donald Chapman to four year terms on the Airport Committee, expiring August 31, 2019, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

PUBLIC COMMENT

There was no one present to request public comment.

ADJOURN

There being no further business, the meeting was adjourned until the meeting scheduled for January 5, 2016, at 3:00 p.m. The Board was reminded of the scheduled work session of the proposed radio system at 10:00 a.m. at the Cooks Corner Office Complex and the 1:00 p.m. tour of the Dockside Health and Rehabilitation Center.

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Elizabeth B. Hurd, Chair
Board of Supervisors